

conditions, and to make an appropriation therefor."

The bill was read a second time, with committee amendments (see Journal of April 19th.)

Pending action on the adoption of the committee amendments,

Senator Wayland moved that consideration of the bill be postponed until tomorrow after call, and be made special order for that hour, and that the bill be reprinted, so as to show the committee amendments (all amendments) in their proper places as proposed.

So ordered.

Senator Miller moved to suspend the regular order of business to take up, on second reading,

House bill No. 323, A bill to be entitled "An Act to create and establish an industrial institute and college in the State of Texas for the education of white girls in the arts and sciences."

Lost by the following vote:

Yeas—7.

Burns.	Miller.
Dibrell.	Stafford.
Hanger.	Wayland.
McGee.	

Nays—15.

Atlee.	Morriss.
Davidson.	Odell.
Goss.	Ross.
Greer.	Sebastian.
Grinnan.	Terrell.
James.	Turney.
Kerr.	Yett.
Lloyd.	

Absent.

Gough.	Neal.
Johnson.	Patterson.
Lewis.	Stone.
Linn.	Yantis.

Absent—Excused.

Potter.

The Chair laid before the Senate, on second reading,

House bill No. 300, A bill to be entitled "An Act to quiet titles to lands located and surveyed by virtue of land certificates granted under the Act of the Legislature of the State of Texas, entitled 'An Act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or the Confederate States, a land certificate for twelve hundred and eighty acres of land,' approved April 9, 1881, and to validate such location and surveys."

The bill was read a second time.

Pending action on engrossment,

On motion of Senator Goss, further

consideration of same was postponed until tomorrow.

The Chair laid before the Senate, on second reading,

House bill No. 323 (see caption above).

The bill was read a second time, and on motion of Senator Miller, laid on the table subject to call.

### COMMITTEE REPORT.

By unanimous consent, the following report was sent up:

Committee Room,

Austin, Texas, April 26, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 339, being a bill to be entitled "An Act to give surviving partner or partners the right to manage and close up partnership business, and to require surviving partner or partners to file an inventory of the partnership property, and to execute a bond for the faithful performance of his duty, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

On motion of Senator Kerr, the Senate adjourned until 10 a. m. tomorrow.

### SEVENTY-FIFTH DAY.

Senate Chamber,

Austin Texas, Thursday, April 27, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Dibrell.	Odell.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Stone.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Lloyd.	Yett.
McGee.	

Absent.

Goss.	Patterson.
Lewis.	Yantis.
Linn.	

Absent—Excused.

Potter.

Prayer by the Chaplain, Rev. Dr. Den-son.

Pending the reading of the Journal of yesterday,

On motion of Senator Miller, the same was dispensed with.

# PETITIONS AND MEMORIALS.

By Senator Davidson:

(Telegram.)

Cuero, Texas, April 26, 1899.

To Senator Davidson, Austin, Texas.

SIR: Cuero Board Trade by practically unanimous resolution today urges you to use every effort to pass your original anti-trust bill amended only to take effect January 1, next.

WALTER REIFFERT, Secretary.

# COMMUNICATION TO THE CHAIR.

The Chair had the following read:

Hot Springs, Ark., April 26, 1899.

The President of the Senate, or Speaker of the House of Representatives, Austin, Texas.

I wish to deny the allegations now current in Texas that I said I never intended or expected the construction would be given to anti-trust bill so as to make it apply to trusts outside of Arkansas, and that I refused to amend the law because every judge and lawyer would so understand it. The anti-trust bill seeks to break up trusts everywhere, and the construction given it by Attorney-General of Arkansas was what author of the bill as well as the legislature which passed it understood and intended. That the law is constitutional I have no doubt.

E. W. RECTOR.

By Senator Dibrell:

Petition of fifty-one citizens of Lockhart, Caldwell county, protesting the passage of Senate bill No. 323 (anti-trust bill), and asking that insurance companies be exempted therefrom.

# HOUSE MESSAGE.

The following House message was received:

Hall of the House of Representatives, Austin, Texas, April 27, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform

51--Senate

the Senate of the passage of the following bills:

Senate bill No. 319, A bill to be entitled "An Act to incorporate the City of Beaumont, to grant it a special charter and fix its boundaries," with amendment.

Also Senate bill No. 316, A bill to be entitled "An Act to amend Article 4218y, of Chapter 129, Acts of 1897, providing for the sale of isolated and detached lands in certain counties," with amendment.

Also Senate bill No. 327, A bill to be entitled "An Act to incorporate the City of Fort Worth and to grant a new charter to said city.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

# COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 27, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 326, being a bill to be entitled "An Act to amend Article 4340 Chapter 92, of Revised Statutes of Texas, relating to quarantine and the payment of expenses of same, and to repeal Articles 4331, 4332, 4334, 4335 and 4336 thereof,"

And find the same correctly engrossed.

JAMES, Chairman.

# SPECIAL COMMITTEE REPORT.

Austin, Texas, April 26, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your committee appointed under a Senate resolution adopted February 14, looking to a report upon the conditions of the different State penal institutions, beg leave to report that the places visited were the Huntsville penitentiary, the Harlem Farm, the two convict camps on the Cunningham plantation, and the Rusk penitentiary. The committee further begs leave to submit the following as the substance of its report contemplated under the resolution:

# HUNTSVILLE.

We found the prison management both efficient and humane, for while necessary discipline is rigidly enforced the officers are held in high regard by the inmates,

as is shown by the following letters to Captain Smithers, which are hereto attached and made a part of this report (marked Exhibit "A"). As there had been a fire a few days previous to our visit, which rendered useless the building in which the convicts were confined at night, the chapel and part of the hospital were converted into temporary dormitories. These rooms and the bedding used by the convicts, we found scrupulously clean. The food furnished to the convicts seemed abundant and of sufficient variety. The manufacturing departments are turning out a good quality of goods and finding ready sale for them; but the arrangement of the buildings we considered defective, most of them having been built and equipped many years ago. We think that as far as possible these should be so modernized that the work can be done more efficiently.

#### RUSK.

At Rusk we were most agreeably impressed with the discipline of the management and the cleanliness of all the rooms. The men seemed healthy, there being but few inmates of the hospital. We were present during the dinner of the convicts, and the food seemed to be both abundant and varied. We attach a copy of the bill of fare for several days (Marked Exhibit "B"). These were taken at random. The convicts in the different shops seemed efficient, and the product of the pipe foundry can favorably compare in quality and finish with that coming from any private foundry. We are glad to report that present prices for the iron piping are said to be remunerative.

#### HARLEM FARM.

Here we found the farm work well advanced for the season, but many of the farm buildings very much in need of repairs. The sugar mill machinery seemed to have been negligently laid by for the season. A part, if not all, of the machinery, we have been informed, was bought second-hand, and while it may be still effective, it could be rendered much more so by some addition such as a crusher and rollers. The profit on the manufacture of crude sugar is not large enough to justify the use of any but the most modern machinery. From what we could learn from the convicts, and also from observation, the food for convicts too often consists of bread and meat alone. We did not find the sleeping quarters and convict bedding as clean as may be desired. This was excused on the grounds that the building was being

whitewashed, and the new management had just taken control.

The two camps on the plantation of Col. Cunningham we found in much more presentable condition than those on the Harlem farm, and the convicts seemed to have a more varied diet.

We find from the accompanying statements (Exhibit "C.") furnished by the financial agent that the maintenance of the Huntsville penitentiary has cost the State, for the last four years, over and above its receipts, from factories and other sources, \$101,204.45; and the Rusk penitentiary for the same period \$290,265.76. The total loss to the State was \$391,460.21, or nearly \$100,000 per annum. This we were also led to believe was a decided improvement over the previous four years. From the farm contract forces fed by contractors, the financial agent's report shows the net profit to be to the State in two years \$183,162.02. From contract farms fed by the State, from January 1, 1898, to October 1, 1898, \$64,786.61, showing a total net profit to the State from contract farms in two years of \$247,948.63, or \$123,974.31 per annum. The net profit to the State from convicts hired to railroads was \$84,486.59, or \$42,443.25 per annum. From the two State farms on which there were employed on an average of 226 second class convicts, the profit to the State amounted to \$114,580.17, or \$57,290.80 per annum. From the share farms operated by the State the net profit for the two years amounted to \$94,901.03, or \$47,455.51 per annum.

The accompanying statement of the State's management of the Harlem farm shows that since 1886 (Exhibit "D") the value of the farm has been increased by permanent improvements \$122,183.73, out of the net income of the farm, and that there remains a credit of \$128,873.21. From the foregoing your committee can only conclude that the present prosperous financial condition of the penitentiaries is due to the fact that the profits earned by convict labor employed outside the prison walls is more than sufficient to counter-balance the yearly loss on the convicts employed within the walls. We suggest that no further manufacturing enterprise be started by the State, and that the present ones, not only be not enlarged, but the output reduced as rapidly as other methods of employment shall be found for the convicts that can be employed outside the walls. We suggest that all State institutions be required to use the manufactured products of the penitentiaries wherever such is possible.

The finances we consider as having been most ably handled, and if all the force that can possibly be put on State farms and public roads, be so employed, we can but reasonably anticipate a decided increase in the revenues. By all the officers we were most courteously treated, and every opportunity given us to examine all the departments.

Your committee further suggests:

First. The State should speedily purchase a large body of partly improved bottom land on which a large part of the negro convicts should be employed.

Second. That counties be authorized to hire State convicts for the purpose of constructing county roads. That said counties be authorized to issue long time bonds under suitable restrictions for the payment of this work, which bonds can be transferred to the State school fund.

STONE,  
MILLER,  
NEAL.

#### EXHIBIT "A."

(Copy.)

Huntsville, Texas, February 16, 1899.

*Mrs. Mollie E. Loggins, Willis, Texas.*

MY DEAR WIFE: I suppose you have already read the published accounts of the great fire which occurred here on the morning of the 13th inst., but, darling, you can never entertain an adequate idea of the sublime and awful spectacle then presented. Think of it! In the still hours that tapered off the freezing night every prisoner lay sleeping in his cell, perhaps dreaming of his loved ones at home. The guards sat silently in the pickets, or quietly walked their beats, wishing that the day might speedily show itself. All without shivered, and crept with the chill of winter. Nothing moved, nothing was heard but the groans of the icy wind as it rolled against the frozen walls. Suddenly the cry of fire was heard. Then all was pandemonium. The prisoners, nearly 700, were aroused in a dazed and half conscious way and realized that some dreadful catastrophe was impending. They sprang from their warm and comfortable beds, flinging themselves against the chill bars surrounding them. Presently they knew that the cell building was in flames, and that strong locks were on their doors. Great God! Would they be rescued? Would some kind hand break those locks, and rescue them from threatened death? Who knew? Then, with a crushing

terror, born of uncertainty and doubt, surging in their shivering breasts like the flames that were licking away the woodwork above their heads, over six hundred voices united in one prolonged and deafening wail of woe and despair. In an instant every guard was in motion. Those who slept in the great guard room sprang from their beds, and all was wild confusion. Still the men screamed until the sleeping town began to rub its heavy eyes, bounded from its bed, groped its way to the prison, and knotted itself into a rolling, surging mass before the burning buildings. All this time the fire was gaining, gaining, gaining. The black smoke was rolling up through the frosty air like storm clouds, or black lava bursting from new-born volcanoes; through the clouds leaped the flames like the forked tongues of angry serpents. Indeed did it appear to those without that they were witnessing the awful incineration of hundreds of human beings. But, when the last hope of those who screamed and prayed within the strong cells had been swept away like many of the aspirations that once moved them to honorable action, I heard the clarion voice of Captain Smither, Assistant Superintendent, ring out upon the night, surging up through the flames, passing out through the frost, it came to me through the hospital windows like the voice of a guardian angel shouting "Peace, be still." Then in my heart I felt that all was well, that no one would perish. Yes, I heard him snout: "Open those cells; turn the men out." Then there was action. Heavy keys clinked in the locks, bolts flew back, and staples went to fragments under the heavy blows of sledge hammers. Soon the men, with chattering teeth and grateful hearts, streamed upon the spacious yard. To this you will say "Amen." To the prompt action of Captain Smither, you will repeat it a thousand times; when I tell you that his own home was at that moment burning down over the heads of his family. Could any man be truer to a public trust? Could any official be more thoughtful of the well being of the unfortunate men in his care? I would especially emphasize this remark, when I reflect that when the Louisiana prison burned, a few years ago, over a hundred men perished in their cells. In a short time Captain Kelly, who gave you the chickens, joined Captain Smither, having run at full speed from his house which is some distance from the prison. Then the two brave and generous men, with heads as cool as the dripping icicles that hung from the eaves of the burning buildings, set about the work of directing

hundreds of willing hands. The fire started in the school building, which joins the hospital on the South, and the cell building on the North. By this you will see that I was not without danger. No, I was not; for I knew that, happen what might, I would not perish. But I feared for the patients who filled the wards. I feared a panic. Without permitting the sick to even suspect that I feared for their safety, I got them all out without any accident. And, had the hospital burned, we should have lost but little of what it contained. When I thought I should have to send all the drugs out, I poured out all the alcohol and whisky on hand. I did this, because I feared some one might find it, get drunk, do something desperate and get killed. You may show this letter to any one. I wish every person in the State might read it. It reveals things which all in the State should feel proud of, chiefly this: That the keeping of the State's prisoners is in the hands of men of humane hearts and cool heads; men true to the trusts imposed upon them by the laws of the State; men who feel a great responsibility resting upon them, and who know how to acquit themselves with credit under any and all circumstances, no matter how trying. The fire has occasioned a great loss, but it has bound many convicts more strongly than ever to their keepers. The prison is a public necessity. It is right that men should be deprived of their liberty whenever it becomes incompatible with the established rules of society; but humanity requires that all convicts should be in the keeping of such men as the laws have put over us here.

With love and kisses, I remain,

Yours,

(Signed)

LEWIS.

(L. L. Loggins.)

(Copy.)

*Capt. Smither.*

KIND SIR: I realize that your prompt action saved the lives of hundreds of convicts, and for my part I am anxious to prove my appreciation. I am a good mechanic; in fact, I am an all-round worker, and if I can be of any service to you as a convict I will be glad to do so. I will be glad if you will give me an opportunity to prove that I honestly desire in the future to be a man.

Yours obediently

(Signed) CONVICT WILL SIDES.

This man has been one of the hardest convicts in the prison.

J. G. SMITHER,  
Assistant Superintendent.

(Copy.)

Huntsville, Texas, February 17, 1899.

*Respected Capt. J. G. Smither.*

The most humble and most modest of the Mexican convicts confined within the prison walls takes this method of congratulating you, and at the same time places in your hands the following communication and resolution of thanks:

Complying with one of the most sacred duties of man, I, and we all, extend to you with our whole hearts our sincerest thanks and gratitude for the energy, coolness, bravery and great interest you took in saving the lives of the convicts on the night of the recent destructive fire of February 13, 1899.

Kind sir, let me in the name of all that is just, and in the name of my fellow convicts, convey to you in words an offering of our respect and esteem for you a laurel wreath, made of flowers cultivated within our souls and irrigated with tears, that embodies all the noble sentiments of the Mexican heart.

Desiring on this occasion that God, who is the known author of all our destinies, will reward you for those kind, gentle and magnanimous sentiments that beat within your noble heart. In our present situation we are weak and small, but the Mexican convicts confined within the prison walls declare you, Capt. J. G. Smither, in viva voce, our hero and the savior of our lives from the late destructive fire in the Huntsville penitentiary on February 13, 1899.

(Signed)

ESTEVAN GARCIA,

And all Mexican convicts.

(Copy.)

Huntsville, Texas, February 16, 1899.

*Capt. J. G. Smither, Assistant Superintendent.*

DEAR SIR: I am prompted by a grateful appreciation of your energetic and aggressive action during the fire last Monday morning to thank you with all my heart, for I feel that I owe my life to your vigilance and circumspection on that occasion, and beg to add that I express the sentiments of the entire convict population when I say that we are alike grateful to Governor Sayers for your reappointment, because in you we admire efficiency, honesty and a high order of intelligence which, together with your well known generosity and humane sentiments towards us, stamps you the able superior officer.

Thanking you again, I am gratefully,  
Your humble servant,

(Signed)

J. A. WRIGHT.

(Exhibit "B.")

**Texas State Penitentiary at Rusk.**

Supplies issued on the 31st day of March, 1899:

Articles.	To Guards.	To Convicts.
Bacon.....	64	386
Beef.....	90	500
Meal.....	40	236
Flour.....	70	200
Coffee.....	12	18
Sugar.....	9	18
Molasses.....		14
Vinegar.....		4
Soup.....	8	100
Potatoes, Irish.....	9	8
Rice.....		11
Beans.....	12	
Sauer Kraut.....	14	
Milk.....	14	18
Eggs.....	5	
Soda.....		1
Baking Powder.....	5½	
No. of Men.....	90	523

**Texas State Penitentiary at Rusk.**

Supplies issued on the 1st day of April, 1899.

Articles.	To Guards.	To Convicts.
Bacon.....	68	342
Beef.....	90	240
Meal.....	40	320
Flour.....	80	210
Coffee.....	11	18
Sugar.....	12	18
Molasses.....		18
Potatoes, Irish.....	7	23

## Articles.

Articles.	To Guards.	To Convicts.
Rice.....	12	10
Onions.....	4	9
Sauer Kraut.....	14	
Hominy.....	20	80
Milk.....	14	18
Eggs.....	3	
Salt.....		48
Soda.....	5	1
Oat Meal.....	8	
Butter.....	5	
Baking Powder.....	2	
No. of Men.....	90	535

**Texas State Penitentiary at Rusk.**

Supplies issued on the 2nd day of April, 1899.

Articles.	To Guards.	To Convicts.
Bacon.....		315
Beef.....	90	500
Meal.....	40	200
Flour.....	80	245
Coffee.....	12	18
Sugar.....	20	18
Molasses.....		18
Soup.....	8	100
Potatoes, Irish.....	10	8
Rice.....		11
Beans.....	10	
Onions.....	6	
Sauer Kraut.....	14	
Milk.....	14	18
Eggs.....	15	
Soda.....		1
Butter.....	5	
Baking Powder.....		5
Lard.....		14
No. of Men.....	90	530



Rusk, Texas, April 6, 1899.

*Messrs. Stone, Neal and Miller, Senate Visiting Finance Committee, Austin, Texas.*

GENTLEMEN: As per your request, I beg to submit for your consideration and guidance the following:

Our monthly pay roll is about.	\$ 3,800 00
For supplies and provisions	
about .....	4,300 00
Material expenditures about.	2,000 00
Freights, etc., about.....	2,000 00

Total .....	\$12,100 00
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#### RECEIPTS.

Cash receipts for month of	
February .....	\$10,859 00
Cash receipts for month of	
March .....	12,015 00
Cash receipts for month of	
April (to date) .....	7,000 00

The principal source of revenue for this institution is from the sale of cast iron pipe. We produce about twenty-six tons of pig iron daily, at a cost of \$10.50 per ton, and our superintendent of the blast furnace says he will produce it this year at a cost of \$8.00 per ton. Our pipe foundry produces about twenty-two tons of pipe per day, at a cost of \$5.00 per ton. Assuming, therefore, that we would meet with a ready market for the entire output of the foundry at the present value for pipe, \$20.00 per ton, we would have a daily income from this source of \$440.00 per day, or \$11,440.00 per month of twenty-six working days. You will, of course, understand that all the items of expenditures are not for convict maintenance, because the cost of maintenance per capita for Rusk, Woodlawn Farm and Camp Rice will average about \$9.50, and on the present basis of 766 convicts on hand, would be \$7282.00 per month. The rest of the expenditures go to the cost of maintaining the various industries here. In estimating the cost of production of iron and pipe, the convict labor is valued at fifty cents a day, and the same way with the pipe foundry, and a very correct account of each industry contributing to the support of the institution is recorded. For instance: The cost of coal is figured right from the tree to the blast furnace, and the cost of iron is figured from the ore bed to the pig, and so with the pipe castings. So, it can be seen that by observing strict economy, which shall surely be our constant aim, and if we can meet with ready sales at present prices, we can run along about even, with good prospects of soon reaching a surplus basis. Had I known of your wishes

sooner, and been given more time, I am sure I could have given you a much more precise statement.

Hoping this will meet your requirements, I have the pleasure to remain, with profound respect,

Obediently yours,

W. M. C. HILL,  
Financial Agent.

A. S. BUSBY,

Assistant Financial Agent.

Call concluded.

#### BILLS SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 531, "An Act to create a more efficient road system for Navarro county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing for the trimming of hedges by the owners of land, and providing a penalty for failure to trim said hedges, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads and relieving them from the payment of said work by the payment of the sum of three dollars, and providing further, making this law cumulative of the general laws, and in case of conflict this act to govern as to Navarro county, Texas."

House bill No. 762, "An Act to amend Section 1 of an Act passed by the Twenty-sixth Legislature of the State of Texas, and which went into effect on the 22nd day of March, 1899, entitled 'An Act to amend Subdivision 29, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, so as to change the times of holding the District Court in the Twenty-ninth Judicial District, except in Coryell county, and to extend the time of holding the court in the county of Erath.'"



House bill No. 743, "An Act to name the several counties composing the Fifty-first and Thirty-third Judicial District, and to fix the times for holding the district courts therein, and to attach the unorganized county of Schleicher to the county of Menard until its organization, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 775, "An Act to change and fix the times for holding courts in the Thirty-ninth Judicial District of the State of Texas, and to repeal all laws or parts of laws in conflict herewith."

House bill No. 618, "An Act to define the powers and duties of the courts of civil appeals of the several supreme judicial districts of the State of Texas where there is or may be a conflict of opinion by any of the said courts of civil appeals on a question of law involved in any cause pending before said courts, and prescribing the duties of the Supreme Court of the State of Texas in such cases."

#### SPECIAL ORDER.

The Chair laid before the Senate, on second reading,

Substitute House bill Nos. 160, 501 and 574 (Confederate pension bill), action being on the adoption of the committee amendments, pending which,

On motion of Senator Turney, the bill was laid on the table subject to call.

The Chair then laid before the Senate, on second reading,

House bill No. 145, A bill to be entitled "An Act to provide for the destruction of prairie dogs, and fix a penalty against persons who fail or refuse to exterminate the prairie dogs on the lands owned or leased by them."

The bill was read a second time.

By Senator Goss:

"Amend by striking out all of Section 3 and inserting the following:

"Section 3. The commissioners court of any county where prairie dogs exist are authorized and empowered, and it is made their duty, after the first day of August, 1900, to cause the prairie dogs in such counties to be exterminated, and for this purpose they are authorized to contract with persons for the destruction of said prairie dogs on the best possible of said prairie dogs on the best possible per acre. Any person so employed shall, before receiving pay under said contract, make affidavit in writing, setting forth the sections or tracts of land on which he has exterminated the prairie dogs, and that he has exterminated the prairie dogs thereon, and the said commis-

sioners court shall, when satisfied that the prairie dogs have been exterminated on the lands as set forth in such affidavit, cause a warrant to be issued upon the county treasurer, to be paid out of the general county revenue, for such sum of money as may be due to such person. The affidavit shall be filed away and preserved by the county clerk for the period of two years after its date. The reasonable cost of exterminating prairie dogs on any particular tract or section of land shall be a charge thereon, except in the case of a homestead, and a lien upon the land shall exist for its payment; and the commissioners court shall cause suit to be brought in the district court in the name of the county against the owner of land for said sum of money, and for the foreclosure of the lien herein provided for on said land, and upon full and sufficient proof of the cost of destroying such prairie dogs on any particular tract or section of land shall have judgment in favor of the county and against the owner of said land for such sum of money, not to exceed in any case five cents per acre, and for the foreclosure of the lien against such land and for all costs of suit."

Adopted.

(Senator Miller in the chair.)

By Senator Greer:

"Amend Section 1, page 1, line 21, by adding after the word 'dogs' the words 'mosquitoes and crawfish,' and also add said words after the word 'dogs' wherever it occurs in the bill."

By Senator Stafford:

"Substitute for the amendment:

"Amend Section 1 by adding after 'prairie dogs,' line 21, the following, 'ants, fleas, red-bugs, ticks, mosquitoes, bed-bugs and buffalo gnats.'

Senator Goss then made the point of order that the amendment and substitute therefor were not in order in that they were not germane to the bill.

Not sustained.

Senator Goss appealed from the ruling of the Chair.

The question was put: "Shall the ruling of the Chair be sustained?"

The Chair was sustained by the following vote:

Yeas—17.

Burns.	Lloyd.
Davidson.	Morriss.
Dibrell.	Neal.
Greer.	Odell.
Hanger.	Ross.
James.	Stafford.
Johnson.	Stone.
Kerr.	Wayland.
Linn.	

## Nays—5.

Goss. Terrell.  
McGee. Turney.  
Sebastian.

## Present—Not voting.

Grinnan. Miller.

## Absent.

Atlee. Patterson.  
Gough. Yantis.  
Lewis. Yett.

## Absent—Excused.

Potter.

Senator Stafford's substitute was then lost.

The amendment by Senator Greer was then lost.

By Senator Davidson:

"Amend by striking out line 20, page 1, of the bill (enacting clause)."

The friends of the bill having the right to perfect it before a vote on striking out the enacting clause, the following amendment was offered:

By Senator Goss:

"Amend by striking out all of Section 4, and inserting the following:

"Section 4. In any of the counties of this State in which there are unsold State school, University or asylum lands on which prairie dogs exist, the commissioners court of such county shall, after the first day of August, 1900, cause the prairie dogs on such lands to be exterminated; and for this purpose they are authorized to contract with persons for the destruction of said prairie dogs on the best possible terms, but in no event to exceed five cents per acre. Any person so employed shall, before receiving any pay under said contract, make affidavit in writing setting forth the sections or tracts of land on which he has exterminated the prairie dogs, and that he has exterminated the prairie dogs thereon; and the said commissioners court shall, when satisfied that the prairie dogs have been exterminated on the lands as set forth in such affidavit, certify to the State Comptroller that such affidavit has been made and filed and that the prairie dogs have been exterminated on said lands, and the name of the person entitled to receive pay therefor, and the amount due him; and on receipt of such certificate the Comptroller shall draw his warrant on the State Treasurer for the amount due to such person, but not in any event to exceed five cents per acre.

"The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of

any money in the State treasury not otherwise appropriated, for the payment of such claims."

Pending action,

Senator Kerr moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

## Yeas—7.

Goss. Stafford.  
Kerr. Stone.  
Miller. Turney.  
Morriss.

## Nays—17.

Atlee. Linn.  
Burns. McGee.  
Davidson. Neal.  
Dibrell. Odell.  
Greer. Ross.  
Grinnan. Sebastian.  
Hanger. Terrell.  
James. Wayland.  
Johnson.

## Absent.

Gough. Yantis.  
Lewis. Yett.  
Patterson.

## Absent—Excused.

Potter.

Action recurring on the pending amendment,

On motion of Senator Goss, the bill was laid on the table subject to call.

## RECOMMENDED.

On motion of Senator Dibrell, Substitute House bill Nos. 160, 501 and 574 (Confederate pension bill), was recommended to the Committee on Finance.

## CONCURRED.

Senator Greer called up Senate bill No. 319 (Beaumont city charter bill), which had passed the House with amendment, and moved that the Senate concur in said amendment.

Carried by the following vote:

## Yeas—24.

Atlee. McGee.  
Burns. Miller.  
Davidson. Morriss.  
Dibrell. Neal.  
Goss. Odell.  
Greer. Ross.  
Grinnan. Sebastian.  
Hanger. Stafford.  
Johnson. Stone.  
Kerr. Terrell.  
Linn. Turney.  
Lloyd. Wayland.

## Absent.

Gough. Patterson.  
James. Yantis.  
Lewis. Yett.

## Absent—Excused.

Potter.

The Chair laid before the Senate, on second reading,

House Committee Substitute bill for Senate bill No. 222, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to appoint two State land agents, prescribing their duty, fixing their salaries, making an appropriation therefor; providing for the recovery for the depredation upon timber and for the use or occupancy without lawful authority, and to prevent the free use and unlawful enclosure of any of the public lands owned or held in trust by the State for any purpose whatever, and creating an emergency."

The bill was read a second time, and ordered engrossed (passed to a third reading).

On motion of Senator Davidson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

## Yeas—21.

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Stone.
James.	Terrell.
Johnson.	Wayland.
Kerr.	

## Nays—3.

Linn.	Turney.
Odell.	

## Present—Not voting.

McGee.

## Absent.

Gough.	Yantis.
Lewis.	Yett.
Patterson.	

## Absent—Excused.

Potter.

The bill was read a third time, and pending action on final passage,

On motion of Senator Goss, the bill was laid on the table subject to call.

On motion of Senator Kerr, the Senate adjourned until 10 a. m. tomorrow.

## SEVENTY-SIXTH DAY.

Senate Chamber,

Austin, Texas, Friday, April 28, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Odell.
Greer.	Patterson.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Turney.
Linn.	Wayland.

## Absent.

Lewis.	Yantis.
Terrell.	Yett.

## Absent—Excused.

Potter.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Miller, the same was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Patterson:

Petition of W. R. Sedberry and others, of Clifton, Texas, asking the passage of Senate bill No. 323 (anti-trust bill), without amendment.

## COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 28, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 235, being a bill to be entitled "An Act to validate the incorporation of cities and towns of one thousand inhabitants or over, incorporated since March 23, 1897, which have heretofore attempted to be made under certain conditions, and to validate their acts done since date which were authorized by law,"

Have had the same under consideration, and I am instructed to report the